

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

THEODORE STEVENS,

Plaintiff

Case No. 3:23-cv-00427-ART-CSD

ORDER

v.

SUWE, et al.,

Defendants

On August 29, 2023, pro se plaintiff Theodore Stevens, an inmate in the custody of the Nevada Department of Corrections, submitted a complaint under 42 U.S.C. § 1983. (ECF No. 1-1). Plaintiff has neither paid the full \$402 filing fee for this matter nor filed an application to proceed *in forma pauperis*. (See ECF No. 1). Plaintiff, however, filed three documents titled “Index of Exhibits” that contain kites seeking evidence and charges from prison officials and letters demanding that the Nevada Attorney General’s Office and the Nevada Legislature investigate the matters raised in the complaint. (ECF Nos. 3, 4, 5).

To the extent Plaintiff’s “Index of Exhibits” are efforts to file evidence in this action, the Court disregards them because they do not pertain to any matter that is procedurally before the Court. Plaintiff is cautioned that he must not file evidence with the Court “until the course of litigation brings the evidence into question.” (See ECF No. 2 at 3). To the extent Plaintiff’s “Index of Exhibits” are efforts to obtain a court order requiring others to act—like investigate Plaintiff’s claims or provide him evidence—they are denied as premature and unsupported. The Court has not screened the complaint or entered an order scheduling discovery and motion deadlines. And Plaintiff has not demonstrated that the extraordinary remedy of an injunction or a restraining order is merited here.

Moreover, Plaintiff must either pay the filing fee or apply for *in forma pauperis* status if he wants to proceed with this action. The fee for filing a civil-rights action is \$402, which includes the \$350 filing fee and the \$52 administrative fee. See 28 U.S.C. § 1914(b). “Any person who is unable to prepay the fees in a civil case may apply to the

1 court for leave to proceed *in forma pauperis*.” Nev. Loc. R. LSR 1-1. For an inmate to
 2 apply for *in forma pauperis* status, the inmate must submit **all three** of the following
 3 documents to the Court: (1) a completed **Application to Proceed in Forma Pauperis**
 4 **for Inmate**, which is pages 1–3 of the Court’s approved form, that is properly signed by
 5 the inmate twice on page 3; (2) a completed **Financial Certificate**, which is page 4 of the
 6 Court’s approved form, that is properly signed by both the inmate and a prison or jail
 7 official; and (3) a copy of the **inmate’s prison or jail trust fund account statement for**
 8 **the previous six-month period**. See 28 U.S.C. § 1915(a)(1)–(2); Nev. Loc. R. LSR 1-2.
 9 *In forma pauperis* status does not relieve an inmate of his obligation to pay the filing fee,
 10 it just means that he can pay the fee in installments. See 28 U.S.C. § 1915(b).

11 It is therefore ordered that Plaintiff has **until November 6, 2023**, to either pay the
 12 full \$402 filing fee or file a fully complete application to proceed *in forma pauperis* with all
 13 three required documents: (1) a completed application with the inmate’s two signatures
 14 on page 3, (2) a completed financial certificate that is signed both by the inmate and the
 15 prison or jail official, and (3) a copy of the inmate’s trust fund account statement for the
 16 previous six-month period.

17 It is further ordered that the Index of Exhibits (ECF Nos. 3, 4, 5) are construed as
 18 motions seeking a court order requiring others to act and denied.

19 Plaintiff is cautioned that this action will be subject to dismissal without prejudice if
 20 he fails to timely comply with this order. A dismissal without prejudice allows Plaintiff to
 21 refile the case with the Court, under a new case number, when he can file a complete
 22 application to proceed *in forma pauperis* or pay the required filing fee.

23 The Clerk of the Court is directed to send Plaintiff Theodore Stevens the approved
 24 form application to proceed *in forma pauperis* for an inmate and instructions for the same
 25 and retain the complaint (ECF No. 1-1) but not file it at this time.

26 DATED THIS 5th day of September 2023.

27 
 28 UNITED STATES MAGISTRATE JUDGE